

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JIMMY (BILLY) McCLENDON, et al.,

Plaintiffs,

vs.

CIV 95-24 JB/KBM

CITY OF ALBUQUERQUE, et al.,

Defendants,

vs.

**E.M., R.L., W.A., D.J., P.S., and
N.W. on behalf of themselves and
all other similarly situated,**

Plaintiff-Intervenors.

**UNOPPOSED MOTION FOR DEFENDANTS TO FILE SURREPLY TO PLAINTIFF
AND PLAINTIFF-INTERVENORS' JOINT MOTION FOR ENFORCEMENT OF
CHECK-OUT AUDIT AGREEMENT NO. 1 AND FOR FURTHER REMEDIAL RELIEF**

Defendant, the Bernalillo County Board of County Commissioners (*hereinafter* "County Defendants"), by and through its attorneys, Robles, Rael & Anaya, P.C. (Taylor S. Rahn), state the following for their Unopposed Motion to File Surreply to Plaintiff and Plaintiff-Intervenors' Joint Motion for Enforcement of Check-Out Audit Agreement No. 1 and for Further Remedial Relief:

1. On September 27, 2021, Plaintiff and Plaintiff-Intervenors filed their Joint Motion for Enforcement of Check-Out Audit Agreement No. 1 and for Further Remedial Relief.

2. On November 5, 2021, County Defendants filed their Response to Plaintiffs' Motion for Enforcement of Check-Out Audit Agreement No. 1 and for Further Remedial Relief.

3. On December 21, 2021, Plaintiffs filed their Reply in Support of their Joint Motion for Enforcement of Check-Out Audit Agreement No. 1 and for Further Remedial Relief.

4. Plaintiffs' Reply addressed new legal and factual issues not raised in their original brief.

5. Further, Plaintiffs' Reply brief was 40 pages along with over two hundred pages of exhibits.

6. As such, County Defendants request an order allowing Defendants to file a Surreply to Plaintiffs' Joint Motion for Enforcement of Check-Out Audit Agreement No. 1 and for Further Remedial Relief.

7. County Defendants also requested a page extension of up to 30 pages for their Surreply.

9. Finally, County Defendants request the Surreply be due on January 14, 2022.

10. Plaintiffs have been contacted and do not oppose County Defendants' Motion to File a Surreply to Plaintiff and Plaintiff-Intervenors' Joint Motion for Enforcement of Check-Out Audit Agreement No. 1 and for Further Remedial Relief.

WHEREFORE, Defendants respectfully request that this Court enter an Order allowing County Defendants to file a Surreply to Plaintiff and Plaintiff-Intervenors' Joint Motion for Enforcement of Check-Out Audit Agreement No. 1 and for Further Remedial Relief of up to thirty (30) pages by January 14, 2022, and for all other relief this Court deems just and proper.

Respectfully submitted,

ROBLES, RAEL & ANAYA, P.C.

By: /s/ Taylor S. Rahn
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I hereby certify that on this 29th day of December, 2021, the foregoing was electronically served through the CM/ECF system to all counsel of record.

/s/ Taylor S. Rahn
Taylor S. Rahn